

## **APPENDIX A**

Irving L. Berg (SBN 36273)  
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ATTORNEY FOR PLAINTIFF

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ZENAIDA E. QUICHO, individually and  
on behalf of all others similarly situated,

Plaintiffs,

v.

MANN BRACKEN, LLC; DOUG  
MANN; EDWARD REILLY,

Defendants.

Case No. C 07 3478 BZ

**DECLARATION OF IRVING L. BERG  
IN SUPPORT OF MOTION FOR CLASS  
CERTIFICATION - ADEQUACY OF  
REPRESENTATION**

Date: December 19, 2007  
Time: 10:00 a.m.  
Place: 450 Golden Gate Avenue  
San Francisco, CA  
Courtroom G-15th Floor  
Hon. Bernard Zimmerman,  
Magistrate Judge

I, Irving Berg, declare under penalty of perjury, as provided for by the laws of the United States, 28 U.S.C. §1746, that the following statements are true:

1) I was admitted to practice law in 1965 after graduating from Golden Gate University. My first professional employment was as an associate attorney in the real estate department of a major northern California savings and loan. I left that position after a year to start my own practice in consumer law. Since that time, my practice has principally involved consumer and bankruptcy law.

2) In my consumer law work, I prosecuted several truth in lending cases on behalf of consumers, specifically *Palmer v. Wilson*, 502 F. 2d 860 (9<sup>th</sup> Cir. 1974); cited in eighty-eight

1 decisions and *Lagrone v. Johnson*, 534 F. 2d 1360 (9<sup>th</sup> Cir. 1976); cited in forty five decisions.

2 3) Many of my clients have financial problems that can only be resolved by relief  
3 under the bankruptcy code. I have had extensive experience in representing individuals and  
4 small businesses in the Bankruptcy Court pursuant to Chapters 7 and 13, and in some cases,  
5 Chapter 11.

6 4). In representing clients with financial problems, I am called on to protect the  
7 clients from the aggressive conduct of debt collectors. This representation requires knowledge of  
8 state and federal laws regulating the conduct of debt collectors. I have filed many lawsuits  
9 against debt collectors based on their violation of state and federal laws. These law suits have  
10 benefitted my clients and have resulted in the debt collectors changing their practices to comply  
11 with the law.

12 5) I represented the plaintiff in the case of *Sanchez v. Weiss et al*, 173 F. Supp. 2d  
13 1029 (N.D. Cal. 2001), filed as class action in the Bankruptcy Court. The bankruptcy judge  
14 granted the defendants' 12(b)(6) motion. I appealed the bankruptcy decision to the District Court,  
15 where the bankruptcy decision was reversed. The case was subsequently settled with the  
16 defendants agreeing to change its collection notice to comply with the FDCPA. This case was  
17 cited in six recent decisions.

18 6) I represented the plaintiff in the case of *Aquino v. Credit Control Services et al*, 4 F.  
19 Supp. 2d 927. In this case, Western Union was one of the defendants' and was alleged to be a  
20 debt collector, though it did not disclose its status as required by the FDCPA. I was unsuccessful  
21 at the District Court level. An appeal was filed and the case settled with Western Union  
22 modifying its conduct, particularly since the Ninth Circuit found Western Union subject to the  
23 FDCPA in *Romine v. Diversified et al*, 155 F. 3d 1142 (9<sup>th</sup> Cir. 1998).

24 Additionally, the following is a partial list of Fair Debt Collection Practices Act  
25 cases in which I have either appeared as class counsel or on behalf of an individual consumer:  
26 *Mary Sicher v. I.C. System*, 98 5519 (Sup. Ct. State of Cal., Marin County); *Mary Sicher v.*  
27 *California Service Bureau of Marin, Inc.*, 98 8459 (Sup. Ct. State of Cal., Marin County); *Mary*

1 *Sicher v. NCO Financial Systems, Inc.*, C 99 12770 (N.D. Cal.) (Orrick, J); *Angeles Tejada v.*  
 2 *National Revenue Service*, 99 6447(Sup. Ct. State of Cal., San Francisco); *Charae Sanchez v.*  
 3 *Robert E. Weiss*, 00 41440 J13, Adv. 00 4282 (Bankr. N.D. Cal.Oakland) (Jellen, J.); *Paul*  
 4 *Marquart v. Wachovia Card Services*, C 01 2923(N.D. Cal.) (Brazil, J.); *Luisa Leytman v.*  
 5 *National Credit Services*, C 00 3490 (N.D. Cal.) (Laporte, J.); *Mary Wingate v. South San*  
 6 *Francisco Scavenger, Inc.*, full class recovery C 01 4334 (N.D. Cal.) (Walker, J.); *Felix Saenz v.*  
 7 *Receivables Management Solutions, Inc.*, C 01 3583 (N.D. Cal.) (Chesney, J.); *Paul Marquart v.*  
 8 *OSI Collection Services, Inc.*, C 01 3481 (N.D. Cal.) (Conti, J.); *Cesar Castro v. ER Solutions*,  
 9 collection letter changed, C 01 3646 (N.D. Cal.) (Hamilton, J.); *Maria A. Barberena v. J&L*  
 10 *Collection Services, Inc.*, C 01 4948 (N.D. Cal.) (Chesney, J.); *Frederick Banayat v. Bonded*  
 11 *Collection Systems*, C 01 1953 (N.D. Cal.) (Laporte, J.); *Alice Torres v. Chase Manhattan Bank,*  
 12 *USA, N.A.*, collection letter changed, 401164 (Sup. State of Cal. San Francisco); *Christina Vela*  
 13 *v. Creditors Speciality Service, Inc.* C 02 3435 (N.D. Cal.) (Patel, J.); *Mary Ann Trubiano v.*  
 14 *Check Plus Systems, Inc.*, C 02 2934 (N.D. Cal.) (Chen, J.); *Monica Daguman v. Crescent*  
 15 *Jewelers Corp.*, collection practice changed, 02 32047 M7, Adv. 02 3288 (Bankr. N.D. San  
 16 Francisco) (Montali, J.); *Blake Bush and Mary Bush v. LoneStar Mortgagee Services, LLC*,  
 17 collection letter changed, C 02 5594 (N.D. Cal.) (Conti, J.); *Mary Ann Trubiano v. Mitchell K.*,  
 18 C 02 1541 (N.D. Cal.) (Jenkins, J.); *Warren Verador v. North Shore Agency, Inc.*, 03 00249  
 19 (N.D. Cal.) (Zimmerman, J.); *Kevin Tierney v. Calvary Investments, LLC*, collection letter  
 20 changed, (N.D. Cal.) (Walker, J.); *Maurizio Dodi v. First USA Bank, N.A., and Vital Recovery*  
 21 *Services*, 00 32708 C13, Adv. 03 3510 (Bankr. N.D. Cal. San Francisco) (Carlson, J.); *Maurizio*  
 22 *Dodi v. Discovery Bank*, 00 32708 C13, Adv. 03 3312 (Bankr. N.D. Cal. San Francisco)  
 23 (Carlson, J.); *Jacqueline Cummings v. Weistein, Trieiger & Riley, P.S.*, C 03 3270 (N.D. Cal.)  
 24 White, J.) *Dan Wan v. Greenwood Trust Co.*, 03-31587 DM13, Adv. 03-3520; *Bracamonte v.*  
 25 *Eskanos & Adler*, 2004 U.S. Dist. Lexis 8520 111(N.D. Cal May 7, 2004); *Camacho v.*  
 26 *Bridgeport Finance* C 04-0478 (N.D. Cal) (Breyer J.)  
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1 I declare under penalty of perjury that the foregoing is true and correct.

2  
3 Dated: 10/23/07

Respectfully submitted,

4  
5 /s/  
Irving L. Berg  
6 THE BERG LAW GROUP  
7 Attorney for Plaintiff  
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